

Application No.: 09/900,706

Docket No.: 104704-0007

REMARKS

This reply is submitted in response to the Office Action dated December 15, 2004. The amendments above and the remarks that follow address the points raised in the Office Action and, thereby, place this application in condition for allowance.

Claim Rejections under 35 U.S.C. § 112

Claim 10 is rejected as being indefinite for the use of the term "a style". Claim 10 is amended to overcome this rejection.

Claim Rejections under 35 U.S.C. § 102

Claims 1-16, and 18 stand rejected under 35 U.S.C. 102(e) as being anticipated by Bye, U.S. Patent Publication No. U.S. 2002/0178109.

Claim 1 is directed to a user interface method for use with a model that generates optimal price markdown scenarios for items of commerce. The method comprises using the model to generate, automatically, an optimal price markdown scenario for a plurality of items of commerce, where the optimal markdown scenario is based on a predefined objective function and on a predefined automatic analysis. The method further comprises displaying to a user, via a graphical user interface, a table showing the optimal price markdown scenario generated by the model, the table having rows, each of which identifies items of commerce or groups of items of commerce and which shows markdown information therefor. That markdown information includes a markdown price and an impact of that markdown price.

In further accord with the claimed invention, the method accept user input, via the graphical display interface, of proposed modifications to the markdown scenario shown in the table. The method, further, displays to the user, via the graphical user interface, an updated table showing an impact of the user-proposed modifications to the optimal price markdown scenario, the updated table having rows each of which identifies items of commerce or groups of items of commerce and showing markdown information therefor, the markdown information including a markdown price and an impact of that markdown price.

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Claim 18 is directed to a method comprising step A, B, C, and D. Step A comprises displaying information about proposed markdowns of retail prices for items of commerce, the displaying step including executing a model that proposes markdown prices for each of said items or groups of said items, and generating a display which (i) identifies a said item or group of said items and (ii) shows markdown information therefor, the markdown information including a markdown price proposed by the model for such item or group of items and including a financial impact of the markdown price. Step B comprises enabling a user to effect changes in the displayed information, the enabling step including enabling the user to propose a different markdown price for an item or group of items than one proposed therefor by the model. Step C comprises enabling the user to select or reject a markdown price proposed by the model for one or more of said items or groups of items in the display. Step D comprises displaying information about the financial impact of the markdown prices for the items or groups of items proposed by the model in step (A), as changed by the user in step (B), and selected by the user or rejected in step (C).

Unlike the present invention, the principal reference, Bye, has little if anything to do with price markdown. Instead, Bye purports to teach a negotiation tool that allows retailers to collect and analyze price information from merchandise. Briefly, according to Bye, a retailer contacts product suppliers (FIG. 4, step 402, 404, and 406) and imports costing information received from them (FIG. 4, step 408). The retailer then can select a given product from among those provided by the suppliers and enter an anticipated sales price (FIG. 4, step 414). According to Bye, a profit margin based on that sales price (and on the original costing information) can be calculated and presented to the retailer (FIG. 4, steps 416 and 418).

Thus, Bye teaches a tool for helping retailers determine which products they should buy – not, contrary to the claimed invention – a user interface method for use with a model that generates optimal price markdown scenarios for items of commerce. Consequentially, Bye does not teach any of the elements of the claimed invention.

Turning to claim 1, Bye does not teach automatic generation of an optimal markdown scenario. Nor does Bye teach displaying, via a graphical user interface, a table where each row identifies an item of commerce or a group of items of commerce and which shows markdown

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information therefor. Rather, in Bye, the information shown to the retailer after the retailer obtains cost information and the cost analysis is performed is about only one item of commerce.

Furthermore, Bye does not teach having the user input proposed modifications to the markdown scenario via the graphical user interface. Instead, the retailer in Bye can input a proposed sales price for the item of commerce being analyzed. Up to the point at which the user can enter this proposed sales price, the only information displayed to the user is the imported cost information.

For these reasons, among others, Bye does not anticipate or render obvious the subject matter of claim 1. And, for like reasons, that publication fails to anticipate or render obvious the subject matter of claims 2- 16, which depend from claim 1, and the subject matter of claim 18, which parallels claim 1 in regards relevant hereto.

Claim Rejections under 35 U.S.C. § 103

Claims 1-16, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bye in view of Chester et al.'s Mastering Excel 97, 4th Edition, and Levenbach et al.'s The Beginning Forecaster: The Forecasting Process Through Data Analysis.

The secondary references of Chester and Levenbach do not remedy the deficiencies of Bye. Chester is merely a manual for Excel '97, and suggests the use of "What If" scenarios in spreadsheets to (1) determine the input required to find a certain output, (2) find optimal solutions to complex, multi-variable problems, and (3) create and save inputs that produce different results. While a what-if analysis is used in allowing the user to enter prices for a group of items to understand these changes will affect their sales and inventory (see specification, p.13, lines 20-27), nowhere does Chester teach a user interface method for generating price markdown scenarios as taught in the independent claims.

Levenbach purports to teach the process of forecasting, or the prediction of future events. Levenbach teaches this process in a general sense, as it seems to be a book useful for a novice in the area of forecasting to understand its uses and basic techniques. Levenbach does not teach a

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user interface method for generating price markdowns scenarios as taught in the independent claims, and therefore does not remedy the deficiencies of Bye.

Conclusion

Applicants respectfully traverse the Examiner's introduction of definitions into the record. This traversal is justified and supported by the fact that the definitions are not presently at issue and, hence, that any extraneous issues raised with respect thereto are not ripe. The Applicants also respectfully traverse the Examiner's interpretation of the law; Congress and the courts have developed a full body of law with regard to the interpretation of claims terminology. It is that law which is controls in the present case.

In view of the above, Applicant respectfully submits that the claims invention is patentable. Applicant therefore kindly requests reconsideration and allowance.

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Respectfully submitted,

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